

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-23 are pending in this application.

Drawings

Applicants also respectfully note the present action indicates that the drawings have been accepted by the Examiner.

Foreign Priority

Applicants respectfully note that the present action does not indicate that the claim to foreign priority under 35 U.S.C. §119 has been acknowledged or that certified copies of all priority documents have been received by the U.S.P.T.O. Applicants submit that the subject application is a national stage entry of a PCT application under the provisions of 35 U.S.C. § 371. The Examiner is reminded that under the provisions of 35 U.S.C. § 365(a), a national application is entitled the benefits of priority under 35 U.S.C. § 119(a)-(d).

Applicants respectfully request that the Examiner's next communication include an indication as to the claim to foreign priority under 35 U.S.C. §119 and an acknowledgement of receipt of the certified copies of all priority documents.

Rejections under 35 U.S.C. § 112

Claims 17-20 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Although Applicants do not necessarily agree with the Examiner's rejection, Applicants have amended the claims taking into consideration the Examiners Comments.

The Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claims 17-20 under 35 U.S.C. § 112, second paragraph.

Rejections under 35 U.S.C. § 101

Claims 1-6, 11-14 and 21-23 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse this rejection for the reasons detailed below.

The Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claims 1-6, 11-14 and 21-23 under 35 U.S.C. § 101.

Rejections under 35 U.S.C. § 102

Claims 1-23 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,072,383 to Brimm et al. ("Brimm"). Applicants respectfully traverse this rejection for the reasons detailed below.

Brimm is directed to a hospital information system having a data processing system including terminals for display and data entry. (See

Abstract). In the system: patient data is entered via the terminals, organized hierarchically, and displayed to individuals with proper access. (See *Id.*). Further, the hospital information system of Brimm also provides for a time-oriented task list generated from data which had been entered from physicians and nursing orders. (See *Id.*).

However, Brimm is silent with regard to, and therefore does not even include, clinical studies. Further, Brimm also does not include interfacing with physicians that have no connection to a particular clinical study or a non-study doctor.

Moreover, the hospital information system of Brimm relates to the hospital's internal processes. (See Abstract and column 3: lines 58-68 and column 4: lines 1-49) For instance, all the data associated with one patient is available within the hospital information system. Accordingly, any person within the hospital may gain access to the patient's data stored in the hospital information system. Nevertheless, Brimm is does not contemplate, and therefore does not include, a physician who is external to the hospital information system, hence a non-study doctor. Therefore, Brimm does not contemplate nor does Brimm disclose a portable memory.

For at least the reasons detailed above, Brimm does not teach or fairly suggest "the memory is one of a portable memory device transported by the patient and part of a data network with an access control, the access control being in control of the patient," as required by claim 1.

For at least the reasons discussed above, Brimm does not teach or fairly suggest “the memory being a computer-readable medium assigned to the patient,” as required by claim 7.

For at least the reasons discussed above, Brimm does not teach or fairly suggest “the memory means being assigned to the patient” and “the reading means being accessible by a non-study doctor assigned to the patient,” as required by claim 17.

Because Brimm does not teach or fairly suggest each and every limitation of independent claims 1, 7 and 17, Brimm does not anticipate or render claims 1, 7 and 17 obvious. Claims 2-6; 8-16 and 18-23 are patentable at least by virtue of their dependency from an independent base claim.

The Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claims 1-23 under 35 U.S.C. § 102(b).

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



Donald J. Daley, Reg. No. 34,313

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

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